

REMARKS

In the Office Action mailed March 30, 2009, the Examiner rejected claims 1 and 3-12 under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarding to the invention. Furthermore, claims 1, 3-9 and 11 are rejected under 35 U.S.C. 102 (a) and 102 (e) as being anticipated by Worley (US 2003/0054141).

Applicant has amended claim 1 of the present application to avoid being indefinite and to traverse the rejection based on prior art. This amendment has support at, for example, page 6 and page 7 of the Applicant's specification.

Worley teaches that the phase change material itself can be capable of cross-linking. However, in the present application the polymeric coating compound contains a cross-linking agent in addition to the phase change material which allows for the phase change material to be cross-linked into the elastomeric structure. The phase change materials used in the present application themselves are not capable of cross-linking. The cross-linking agent disclosed in the present application is not an additive which might be used to improve the properties of a coating. The cross-

linking agent is a necessary part of the system to avoid leakage of the phase change material while in its liquid stage.

Worley teaches a coated article where the coating covers only a portion of the surface and is formed with a plurality of regions of discontinuity that are separated from one another. With the discontinuous coating Worley wants to overcome undesired reductions in flexibility, softness, air-permeability and water vapor transportation properties which can be a problem when the coated article is used for apparel, footwear etc. However, in membrane materials used in fabric structures these properties are not important. On the other hand, membrane materials used for fabric structures need to possess a continuous coating in order to prevent, for instance, that water and other substances penetrate into the membrane configuration and destroy the basic woven fabric which would lead to a reduced strength of membrane material and would decrease its service life substantially. Although, it is not specifically expressed in the specification, the continuous coating is obviously required for this type of membrane material and is shown in Fig. 1, 2 and 3.

In the present invention the phase change material is liquefied and then applied to the elastomeric material while the phase change material is in a liquid stage. During curing of the elastomeric material the phase

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change material becomes cross-linked into the structure. The phase change material creates a continuum within the elastomeric structure. The phase change material changes its physical state from liquid to solid and vice versa which causes a change in translucency. Because of the continuous distribution of the phase change material within the elastomeric material, the light transmission of the whole coating layer changes when this phase change occurs.

In Worley the phase change material is not cross-linked into the polymeric compound and the coating is applied discontinuously on the surface of the carrier fabric. Therefore, no change in translucency is experienced.

The applicant thanks the examiner for discussing the subject matter the present application is based on in the interviews conducted on June 17, 22 and 29, 2009.

The claims as amended are now believed to be in condition for allowance and early action to that effect is earnestly solicited.

Respectfully submitted,



Barbara Pause